



Armenia

Country Reports on Human Rights Practices - [2002](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 31, 2003

Armenia has a Constitution that provides for the separation of powers; however, the directly elected President has extensive powers of appointment and decree that are not balanced by the legislature or an independent judiciary. The President appoints the Prime Minister, who is in charge of the Cabinet. Robert Kocharian was elected President in a multi-candidate election in 1998 after former President Levon Ter-Petrosian was forced to resign by his former political allies in the Government and Parliament. There were flaws and substantial irregularities in both rounds of the 1998 presidential elections. Although marred by irregularities, the May 1999 parliamentary elections and several 2000, 2001, and 2002 by-elections showed continued improvement over past elections, and Organization for Security and Cooperation in Europe (OSCE) observers categorized the former as relevant steps toward compliance with OSCE commitments, but stated that they still failed to meet international standards. Amendments to the Electoral Code passed in August addressed a number of long-standing electoral problems. The majority in Parliament is made up of a coalition called "Unity", which includes the two parties which gained the most votes in the May 1999 Parliamentary elections, the Republican Party and the Peoples Party; however, due to political differences between the Republican Party and the Peoples Party, the Unity coalition during the year largely ceased to function. The legislature approves new laws, confirms the Prime Minister's program, and can remove the Prime Minister by a vote of no confidence. Both the Government and the legislature can propose legislation. The Constitution provides for an independent judiciary; however, in practice, judges were subject to pressure from the executive branch and some were corrupt.

The Ministries of Internal Affairs and of National Security, jointly are responsible for domestic security, intelligence activities, border controls, and the national police force. Some members of the security forces committed human rights abuses.

The transition from a centralized, controlled economy to a market economy continued to move forward, although the industrial sector did not function at peak capacity and its output remained low. According to results of the October 2001 census, the country had a total population of approximately three million persons. Unemployment remained high, and there was a high degree of income inequality. Unemployment was approximately 9.6 percent, according to the Government; however, other sources estimated the unemployment rate to be approximately 40 percent. A significant amount of economic activity, unofficially estimated between 40 and 50 percent, was not captured by government accounting or taxation. The inflation rate was 2 percent. Almost all small and medium-sized enterprises have been privatized, as has all agricultural land. Emigration decreased since 2001, but still remained a problem. Foreign assistance and remittances from Armenians abroad played a major role in sustaining the economy; the Central Bank estimated that remittances from abroad were approximately \$300 million.

The Government's human rights record remained poor; however, there were improvements in some areas. Substantial intervention by local power structures in the election process in some areas, such as pressure on voters and ballot-box stuffing, continued to restrict citizens' ability to change their Government peacefully. There were deaths in the military as a result of mistreatment of recruits. Members of the security forces routinely beat detainees during arrest and interrogation. Arbitrary arrest and detention was a problem. The Government rarely investigated abuses by members of the security forces and impunity remained a problem. Although prison conditions remained harsh, since the transfer of the prison system to the Ministry of Justice, living conditions and prisoner access to families have improved. Lengthy pretrial detention continued to be a problem. The judiciary was subject to political pressure and did not enforce constitutional protections effectively. Authorities did not respect constitutional protections regarding privacy and due process.

There were some limits on press freedom, mostly due to many journalists practicing self-censorship. There were some limits on freedom of association. The law places some restrictions on religious freedom, including a

prohibition against proselytizing by religions other than the Armenian Apostolic Church; however, this prohibition was not enforced in practice. The Government continued to deny registration to Jehovah's Witnesses; 16 members of Jehovah's Witnesses were in corrective labor facilities for refusing military service and 10 were under house arrest, while 5 more members were awaiting trial.

The Government placed some restrictions on freedom of movement. There was some violence against women, and governmental and societal discrimination against women, persons with disabilities, and religious and ethnic minorities remained problems. There were a number of street children. There were some limits on workers' rights because collective bargaining did not exist. Trafficking in women and girls continued to be a problem, although the Government took steps to address the issue. Armenia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of political killings by the Government or its agents; however, there were deaths in the military as a result of mistreatment.

A Presidential bodyguard was found guilty of involuntary manslaughter and given a light sentence of twelve months' probation for the 2001 beating death of an Armenian of Georgian citizenship in a Yerevan cafe. The bodyguard testified at his trial that he had struggled with the victim, whom he said fell and struck his head on a sink, causing a fatal injury. The court was criticized by media, nongovernmental organizations (NGOs), and by opposition parties for not taking testimony from witnesses who claimed that more than one guard had struck Poghosian, and for allegedly conducting a cover-up.

There were no deaths in custody during the year; however, there were a number of deaths due to natural causes in prison (see Section 1.c.).

According to the office of the Military Prosecutor, there were 987 crimes committed in the armed forces during the year, compared to 1,184 in 2001. There were 62 deaths of military servicemen reportedly due to mistreatment, training related accidents, and illness during the year (see Section 1.c.). On February 25, a fellow serviceman beat to death Artem Sarkisian, a 22-year-old soldier in an army detachment in the city of Vanadzor. Doctors at a local military hospital ruled that Sarkisian was killed by food poisoning; however, an autopsy conducted in Yerevan found severe brain and abdominal injuries that most likely resulted from a violent death. As a result of investigation by the regional office of Military Procurator, more than 12 individuals were arrested, including the two soldiers who assaulted Sarkisian, several officers, and doctors from the local military hospital. On October 21, the trial of the arrested individuals in a Vanadzor court began, and was ongoing at year's end.

In August 2001, authorities detained and brought charges against two servicemen: the commander of the Stepanavan military unit, a sergeant; and a private, for facilitating the suicide of a junior sergeant of the Stepanavan military unit, Mkrtych Poghosian, in July of that year. The case was suspended pending further investigation at year's end. According to the Procurator General's office, 513 criminal cases involving 669 servicemen were investigated during the year. Some of the crimes committed included desertion, hazing, abuse of power, and embezzlement.

In May 2001, the master sergeant of a military unit in Noyemberian, Suren Levon Abrahamian, was killed on duty near the village of Voskehat. A legal case against a fellow soldier was instituted under Article 100 of the Criminal Code for "premeditated murder," and was being investigated by the military garrison of the province of Gugark at year's end. On December 29, the case was sent to court. The main defendant and a fellow sergeant were found guilty and sentenced to 10 years' imprisonment.

Cease-fire violations by both sides in the Nagorno-Karabakh conflict occasionally resulted in deaths and injuries to civilians.

During the year, there were a few deaths as a result of landmines, although reliable statistics were difficult to obtain. Landmines were used by all sides throughout the Nagorno-Karabakh conflict and landmines have been laid

on the 900-kilometer border line and territories along the contact line. During 2000 one person was killed and 12 injured. According to the Procurator General's office there have been two deaths in the military since 2001 as a result of landmines.

In February 2001, unknown persons shot and killed Arthur Mnatsakanian, Deputy Chief of Public Affairs of the Customs Department, in his car. The case was suspended during the year pending new information.

In September 2001, a grenade explosion killed Gagik Poghosian, advisor to the Prime Minister and ex-Minister of State Revenues. The case was suspended pending acquisition of new information at year's end.

During the year, the trial of seven accused defendants in the October 1999 terrorist assault on a session of Parliament continued; relatives of the victims and opposition political parties complained about the slowness of the court proceedings.

b. Disappearance

There were no reports of politically motivated disappearances.

The International Committee of the Red Cross (ICRC) reported that civilian and military personnel on all sides of the Nagorno-Karabakh conflict continued occasionally to engage in crossborder hostage-taking, sometimes to win release of a friend or relative held on the other side but more often for ransom. The ICRC, in coordination with the OSCE, has facilitated a number of prisoner exchanges.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution and laws prohibit torture; however, security personnel routinely beat pretrial detainees during arrest and interrogation, and prosecutors relied on such confessions to secure convictions (see Section 1.e.).

During the year, the local human rights NGO Helsinki Committee stated that it had received complaints from homosexuals claiming that police had threatened them with forced psychiatric examinations. There were no allegations of any other group being treated in this manner during the year.

Most cases of police brutality went unreported because of fear of police retribution. During the year, a few cases of police brutality were reported after the intervention of local human rights groups. The Helsinki Association received two complaints from citizens about beatings at the police precincts of Kanaker-Zeytun district of Yerevan and at the Department of Internal Affairs of the city of Yerevan. Impunity of officials who commit such abuses remained a problem. During 2000 there were approximately nine cases of death in custody caused by beatings and other abuse; however, there were no reports available on the number of deaths caused by beatings and other abuse at year's end (see Section 1.a.).

During 2001 ex-defendants and attorneys for the defendants of the October 1999 killings in the Parliament claimed in the media that they were being held in inhuman conditions and were beaten during interrogations. A number of those arrested alleged that they were mistreated, including being drugged, beaten, and denied sleep for extended periods of time while in pretrial detention.

The Government did not investigate allegations of abuse by security services except in rare cases under pressure from human rights groups and only where death had resulted. In July 2001, the Human Rights Commission held open hearings on more than 50 complaints of torture by the Military Prosecutor's Office, which led to the filing of only one case during the year. Most complaints involved inhumane treatment, torture, and beatings of service men at the so-called reception and deployment stations (detention facilities of the military police). The next week, the Commission held another round of hearings together with the Military Prosecutor Gagik Jhangirian and Chief of the Military Police Vladimir Gasparian. Both Jhangirian and Gasparian denied the claims of torture. Subsequently family members of those killed staged a protest outside of the office, demanding Jhangirian's resignation. During the year, the Procuracy investigated 18 cases of torture sent by the Human Right Commission; some of these had been already sent to court for prosecution of the accused torturers.

During the year, the Ministry of Defense cited reasons of "national security" in declining to provide local NGOs with exact details on some cases, citing the fact that the country remained technically in a state of war with Azerbaijan.

Homosexuals complained that police physically and mentally abused them and demanded bribes; such abuse

reportedly increased when homosexuals were unable to pay police.

The number of deaths of conscripts from training accidents and physical abuse decreased in 2001, according to government figures. According to the Defense Minister's statement, 10 percent fewer deaths were registered in the army during the first 5 months of the year compared with the same period of 2000; however, 20 percent of military commanders were dismissed during the year due to numerous violations in their units. The hazing and beating of conscripts was severe, particularly for Yezidi conscripts (see Section 5). Persons accused of homosexuality in the military generally were believed to suffer beatings and otherwise were physically abused and beaten more severely or frequently than other recruits. During the year, parents of recruits killed or injured in the army or prosecuted by the Military Prosecutor's Office staged several rallies in front of the presidential office and petitioned both the President and the Human Rights commission.

Yezidis complained that police routinely failed to respond to crimes committed against them (see Section 5).

There were reports that corruption by Government officials facilitated trafficking in persons (see Section 6.f.).

Although prison conditions were harsh and medical treatment was inadequate, according to domestic human rights NGOs, prison conditions continued to improve during the year. Some facilities were less overcrowded, food was better prepared, prisoners' rights were codified in writing and displayed throughout the prisons, and a special tuberculosis hospital was operational in October. In October 2001, responsibility for prisons was transferred from the Ministry of Internal Affairs to the Ministry of Justice. Physical abuse by guards and other prisoners continued to be a problem. During the year, 11 prisoners died in prison of natural causes. Since a prison visit in 2000, the Commission on Human Rights has been instrumental in improving the conditions in the main prison in Gyumri. For example, inmates were able to receive toiletries from family members and were allowed to engage in activities and hobbies, such as sewing and writing. During the year, the Commission continued to monitor prison conditions and mentioned the need for further improvements in management and respect for prisoners' rights.

Men and women were held separately, and juveniles were held separately from adults. Convicted criminals and pretrial detainees were held in different facilities.

The Government permitted domestic human rights NGOs to visit prisons; however, they do not have access to pretrial detention facilities. During the year, the Helsinki Association received permission from the Justice Ministry to conduct monitoring of the penitentiary system, including prison conditions and prisoners' rights but not pretrial detention facilities. In some cases, domestic NGOs still complained of complicated and time-consuming procedures in order to obtain permits for visits; however, permission for visits by international observers, such as those from the Council of Europe, was granted more easily. During the year, several domestic NGOs monitored prison conditions. The ICRC had free access to detention facilities run by the Ministry of Interior. In these facilities, the ICRC was able to visit any prisoner in whom it had an interest, whether housed in prisons or in local police stations. The ICRC also had free and regular access to the remaining prisoners of war (POWs) from the Nagorno-Karabakh conflict in the prison of the Ministry of National Security, in military police stations, and in Nagorno-Karabakh (see Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile

The Constitution and laws prohibit arbitrary arrest and detention, except in cases involving national security. Arbitrary arrest and detention remained a problem. Authorities continued to arrest and detain criminal suspects without legal warrants, often on the pretext that they were material witnesses. An amendment to the Criminal Code passed in 2001 reduced the length of time the police have the right to detain suspects without official charges from 96 to 72 hours. The police frequently imprisoned detainees without notifying their family members. Often several days passed before family members obtained information about an arrest and the person's location. Security agencies often restricted access of lawyers and family members to prisoners until the preliminary investigation phase was complete, a process that could last weeks (see Section 1.e.).

Prisoners were allowed access to attorneys (and vice-versa). Access to prisoners by their families was sometimes a problem. A bail system does not exist; however, a prisoner may be released to a form of house arrest if the court is convinced that he will not flee. Although the revised Criminal Procedure Code has entered into force, the revised Criminal Code remained under consideration in Parliament (see Section 1.e.). A suspect may be detained for no more than 12 months pending trial, after which the suspect must be released or tried; however, this latter provision was not always enforced in practice, and lengthy pretrial detention remained a problem.

At year's end, 16 members of Jehovah's Witnesses remained in detention for refusal to serve in the military

services and 10 were under house arrest; 11 were released on parole after serving part of their sentences, and 5 additional members were awaiting trial (see Section 2.c.). The Government has sought to reopen prosecutions against two members of Jehovah's Witnesses convicted on the same charge.

Unlike previous years, there were no reports of armed forces recruiters detaining persons to compel the surrender of relatives who evaded the draft or deserted (see Section 1.f.).

During the year, three Armenian and four Azeri POWs were repatriated; a fifth Azeri POW was granted asylum in a third country.

During the year, the Government allowed ICRC representatives and a parliamentary investigating committee to visit those detained in connection with the October 1999 shootings. The detainees also were permitted contact with lawyers, although their attorneys complained that their contacts were insufficient and restricted. The lead detainee in the case, Nairi Hunanian, announced that he was dismissing his lawyer and taking over his own case.

The Constitution does not address forced exile, but there were no reports that the Government employed it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the Constitution's provisions do not insulate the courts fully from political pressure, and in practice, courts were subject to pressure from the executive and legislative branches and some judges were corrupt. Lengthy public trials sometimes were a problem.

The Constitution mandates a three-level court system: The highest court is the Court of Cassation. There are two lower-level courts, the Appellate Court and courts of the first instance. First instance courts try most cases, with a right of appeal to the Court of Appeals, and then to the Court of Cassation. The Constitutional Court rules on the conformity of legislation with the Constitution, approves international agreements, and decides election-related legal questions. It can accept only cases proposed by the President, by two-thirds of all parliamentary deputies, or election-related cases brought by candidates for Parliament or the Presidency. Because of these limitations, the Constitutional Court could not ensure effective compliance with constitutional human rights safeguards.

The military legal system operates essentially as it did during the Soviet era. There is no military court system; trials involving military personnel take place in the civil court system and are handled by military prosecutors. Military prosecutors perform the same functions as their civilian counterparts, and operate in accordance with the Soviet-era Criminal Code. The Military Prosecutor, who was also named Deputy Prosecutor General, was in charge of the investigation into the October 1999 shootings in Parliament. By year's end, the trial of 11 detainees implicated in the crime continued. The Military Prosecutor has been strongly criticized by relatives of the victims and opposition political parties for reported defects in his investigation of the crime, but had refused demands in 2001 to resign.

The selection of judges is often based on scores on a multiple-choice test to determine potential judges' fitness under the system, and on their interviews with the Minister of Justice. The list of nominations is then approved by the Council of Justice and, finally, by the President. Judges are subject to review by the President, through the Council of Justice, after three years; unless they are found guilty of malfeasance, they are tenured until they reach the age of 65.

Prosecutors continued to greatly overshadow defense lawyers and judges during trials. Under the Constitution, the Council of Justice, headed by the President, the Procurator General, and the Justice Minister, appoints and disciplines judges for the tribunal courts of first instance, review courts, and the Court of Appeals. The President appoints the other 14 members of the Justice Council and 4 of the 9 Constitutional Court judges. This authority gives the President dominant influence in appointing and dismissing judges at all levels.

A commission to amend the Constitution's chapter on the judiciary, the second such body to undertake this task, has passed the final package of constitutional revisions, approved by the President, to Parliament in 2001. Such constitutional revisions must pass both Parliament and a national referendum. Most of the constitutional revisions are aimed at removing some of the executive branch's powers and increasing judicial independence. Parliament had not acted on them by year's end, although it was announced that the national referendum would take place in May 2003.

The Criminal Procedure Code does not allow detainees to file a complaint in court prior to trial to redress abuses

committed by the Prosecutor's Office, the police, or other security forces during criminal investigations. Witnesses have no right to legal counsel during questioning while in police custody--even though failure to testify is a criminal offense--and detainees must obtain permission from the police or the Procurator's Office to obtain a forensic medical examination to substantiate a report of torture. Although defense lawyers may present evidence of torture in an effort to overturn improperly obtained confessions, and according to law, all such charges must be investigated, judges and prosecutors routinely ignored such complaints even when the perpetrator could be identified.

All trials are public except when government secrets are at issue. Defendants are required to attend their trials unless they have been accused of a minor crime not punishable by imprisonment. Defendants have access to a lawyer of their own choosing. The court appoints an attorney for any indigent defendants who need one. However, during 2001, the Helsinki Association conducted a survey of the courts together with the International Helsinki Federation, the International Union of Armenian Lawyers and the Moscow Helsinki Group. According to their joint report, 38 percent of 50 respondents stated that they were not provided with defense attorneys during the preliminary investigation. Reportedly individuals often choose to defend themselves in court because they had little respect for a defense attorney's professional skills and ethics.

Defendants may confront witnesses and present evidence. The Constitution provides that those accused of crimes shall be informed of charges against them. The constitutionally mandated presumption of innocence was not always observed in practice, and acquittals were rare once a case went to trial. Defendants and prosecutors have the right to appeal; figures released by the Association of Armenian Judges showed that in 2000, three out of four appeals were turned down by higher courts. During 2000 563 of 2,266 court rulings were overruled or annulled.

A Jehovah's Witnesses leader, being prosecuted by the Procuracy for "leading youth astray," was found innocent, and two appeals by the Procuracy were subsequently denied in September and November 2001; a sign that judges were becoming more independent; however, the trial of a presidential bodyguard for the killing of an ethnic Armenian Georgian, Poghos Poghosian (see Section 1.a.) which ended in the bodyguard receiving a nominal sentence, was seen by media commentators as indicating that the courts were still subject to political influence.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits unauthorized searches and provides for citizens' rights to privacy and confidentiality of correspondence, conversations, and other messages; however, the Government did not always respect these rights in practice. The security ministries must petition a judge for permission to wiretap a telephone or intercept correspondence. The judge acting alone must find a compelling need for a wiretap before granting the agency permission to proceed.

The law requires that security forces obtain a search warrant from a judge before conducting a search. Security forces were refused warrants because of lack of evidence in several cases. In practice there were charges that searches continued to be made without warrants in connection with the October 1999 killings in Parliament, the 2000 arrest of Arkady Vardanyan (see Section 2.b.), and the arrest in 2001 of persons demonstrating against the loss by A-One Plus television of its broadcast frequency (see Section 2.a). The Constitution provides that the judiciary must exclude evidence obtained without a warrant, and the judiciary did so in practice.

Unlike previous years, there were no reports that armed forces recruiters detained persons to compel the surrender of relatives who evaded the draft or deserted. However, there were credible reports of improper, forced conscription of ethnic Armenian refugees from Azerbaijan, who by law are exempt from military service. The parents of such refugees were reluctant to complain because they feared reprisals against their sons. Sweep operations for draft-age men no longer occurred, although police at times maintained surveillance of draft age men to prevent them from fleeing the country.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press; however, while the Government generally respected freedom of speech, there were some limits on freedom of the press, and journalists continued to practice self-censorship. There was no official censorship, publications presented a variety of views, and the opposition press regularly criticized government policies and leaders, including the President, on sensitive issues such as the

Nagorno-Karabakh peace process and privatization. To avoid repetition of the retribution experienced in the past from powerful officials and other individuals, most journalists continued to practice self-censorship, particularly when reporting on major cases of corruption or national security issues.

On December 28, an unknown assailant shot to death the Chairman of the National Public Television Board, Tigran Naghdalyan. An investigation began and continued at year's end.

Newspapers were privately owned with the exception of "Hayastani Hanrapetutyun," its Russian-language version "Respublika Armenia" (joint venture between Parliament and the newspapers' staffs) and Respublika Armenia. The state printing house and distribution agency functioned as commercial enterprises, with no visible government intervention. A private printing house was also set up with foreign aid and was utilized by some newspapers during the year. Newspapers operated with extremely limited resources, and none were completely independent of patronage from economic or political interest groups or individuals. Because of prevailing economic conditions, total newspaper circulation was small (40,000 copies, by the Yerevan Press Club's estimates, or approximately one copy per 85 persons). The few international newspapers and imported magazines were not censored.

State institutions that previously exerted control over the media have lost most of their functions. A Department of Information, which existed as a separate entity for several years, became part of the Ministry of Culture by year's end. It had no clear purpose beyond allocating small government subsidies to newspapers and occasionally interceding with the state-owned newspaper distribution agency to forward a share of its receipts to the newspapers.

Because many people cannot afford newspapers, television was the most widely accessible medium. The President's office continued to influence state television news coverage significantly. The most widely available of the two state-owned television channels, Public TV of Armenia, took policy guidance from the Government. It presented mostly factual reporting but avoided editorial commentary or criticism of official actions. In Yerevan and major regional media markets, private television stations offered independent news coverage of good technical quality. Most of the more than 20 radio stations were private and independent. The quality of reporting on private radio and television stations varied, and they were not inhibited from expressing editorial opinions except by self-censorship. There were no restrictions on reception of satellite television and other foreign media, and they were not censored. There was foreign language programming, although the 2000 Law on Broadcast Media limited the percentage of a station's output that can be in a foreign language.

In April A-One Plus TV, an independent channel whose news reporting was widely watched and on occasion was critical of the Government, lost its operating frequency to another company in a tendering process. Opposition parties claimed the Government silenced the independent channel because of its criticism; however, President Kocharian stated that he wanted to see A-One Plus back on the air and that he had sought compromise solutions that had been rejected by A-One Plus owners, who were holding out for a solution that would acknowledge the fact that they had been unfairly treated. The National Broadcasting Board refused to concede this, stating that the tendering process had been held strictly in accordance with the provisions of the new 2000 Law on Broadcast Media, and that A-One Plus had simply not presented the best tender package. A-One Plus appealed the decision at all levels of the Armenian judicial system and lost. An appeal to the European Court on Human Rights was pending at year's end; however, the decisions of that court are not legally binding in the country.

Since September 2000, the Government has monitored closely the independent television station Noyan Tapan; the station remained off the air pending resolution of financial disputes between company shareholders, the TV channel was taken off the air, and its operating frequency was subsequently awarded to another company in a 2001 tendering process. In response some members of the National Assembly, in defense of the station, called for an end to what they called an "information war" waged by government authorities. In addition to having lost its original frequency in 2001, during the year, the State licensing body turned down Noyan Tapan's application "due to a missing specification of a frequency in the application." Following the State licensing body's failure to notify Noyan Tapan about this omission and to allow ten days for correction as required by the law, the channel appealed the decision to the Court of First Instance, which on December 2 ruled in its favor. However, on December 17, the Appeal Court set aside the lower court's decision, but confirmed Noyan Tapan's right to submit tenders in an additional round of bidding scheduled for 2003.

Opposition parties and politicians generally received adequate news coverage and access to broadcast media. In the run-up to the 2003 presidential and legislative elections, they have continued to have free access to media coverage. During the 1999 parliamentary elections, the coverage of political parties on state television and other media generally was balanced and largely neutral. Candidates for single-mandate seats were not entitled to free programming, but there were no restrictions on paid time.

The process of license issuance for broadcast media is strictly governed by the 2000 Law on Broadcast Media, which appeared to be observed in practice, although it was not well understood by some sectors of the media or public.

During 2001 the Parliamentary Standing Committee on Science, Education, Culture, and Youth Affairs worked together with the Yerevan Press Club and the international NGO Internews to bring the Law on Broadcast Media into compliance with the Constitution. In 2001 amendments were passed by the Parliament and signed by the President. While the amendments to the law met many previously expressed concerns by media and human rights groups regarding freedom of the media, it still contains loopholes that could be used to impose greater control on the media by government bodies.

Journalists remained cautious in their reporting, particularly about proceedings in the courtroom, and the range of subjects the Government considered sensitive for national security reasons was large. Some members of the press have been granted access to army facilities and places of detention. However, even in cases where they had such access, permission for media visits was a prolonged and cumbersome bureaucratic process.

In October unknown persons threw a hand grenade at independent journalist Mark Grigorian, causing shrapnel damage to his legs and chest. No arrests had been made by year's end.

Internet access was not restricted.

The Government generally did not restrict academic freedom; however, some professors and administrators practiced self-censorship. There were 75 private institutions of higher education. The curriculum committee of the Ministry of Education must approve the curriculum of all schools that grant degrees recognized by the State, seriously limiting the freedom of individual schools and teachers in their choice of textbooks and course material; however, in practice, enforcement of this stipulation was perfunctory. Seventy institutions were licensed, which gives private institutions equal status with state-run higher institutions, and 5 were not operating by year's end.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Permits are required for demonstrations and marches; however, they were granted routinely.

On May 21, police detained approximately 80 people after opposition political parties staged a rally protesting against closure of A-One Plus television. Most were charged with "participation in public disorder" and either were fined or received an administrative sanction of up to 15 days of detention.

The Constitution provides for freedom of association; however, there were some limits on this right. There are cumbersome registration requirements for all political parties, associations, and organizations. The process of registering an organization is time-consuming, and the Government has compelled some human rights and political organizations to revise their bylaws several times in order to have their registrations accepted; however, none had been denied registration for legal reasons during the year. No human rights or political organizations reported problems with registration during the year.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, the law specifies some restrictions on the religious freedom of adherents of faiths other than the Armenian Apostolic Church. The law establishes the separation of church and state, but grants the Armenian Apostolic Church special status as the national church.

The law requires all religious denominations and organizations to register with the State Registry Office based on recommendations from the Cabinet. The State Council of Religious Affairs (CRA), created by presidential decree in the early 1990s to serve as a point of contact between the Government and religious groups, was dissolved by presidential decree in March; it was announced in August that an advisory body attached to the office of the Prime Minister would replace it. The advisory body would include representatives of the Ministries of Defense, Interior, National Security, Culture, and several other government institutions. The new committee was not recorded as having formally met prior to the end of the year, although informal consultations took place.

A religious organization that has been refused registration may not publish newspapers or magazines, rent

meeting places on government property, broadcast programs on television or radio, or officially sponsor the visas of visitors. No registered religious group has been denied reregistration under the law, and all existing registered denominations have been reregistered annually except the Hare Krishnas, whose membership is below the membership threshold of 200, and Jehovah's Witnesses. Members of Jehovah's Witnesses were no longer denied registration on the grounds that the group does not permit military service, but rather for "illegal proselytism." The State Council also alleged that its public preaching created dissatisfaction and tension in some communities. During the introduction of the Prime Minister's new advisory committee on religion in August, several members made statements critical of "foreign sects" in general and of Jehovah's Witnesses in particular. According to the leadership of the Yezidi community, appeals on their behalf with respect to alleged discrimination were raised with the previous Council; however, no response by government officials had been forthcoming.

Members of Jehovah's Witnesses continued to experience difficulty renting meeting places and reported that private individuals who were willing to rent them facilities frequently were visited by police and warned not to do so. A Jehovah's Witnesses official stated that during the year there were no such incidents because Jehovah's Witnesses held services exclusively in private houses to avoid confrontations.

The law forbids "proselytizing" (undefined in the law), except by the Armenian Apostolic Church, and bans foreign funding for churches whose centers are outside the country. This ban has in fact not been enforced, and all denominations, including Jehovah's Witnesses, were allowed to advocate their point of view. The ban on foreign funding also has not been enforced and was considered unenforceable by the previous State Council on Religious Affairs.

When shipped in bulk, publications of Jehovah's Witnesses were seized at the border. Although members supposedly are allowed to bring in small quantities of printed materials for their own use, officials of Jehovah's Witnesses reported that mail from one congregation to another, which they said was meant for internal purposes rather than for proselytizing, still was confiscated by customs officials.

Members of unregistered minority religious organizations are allowed to bring in small quantities of religious literature for their own use; however, large shipments by unregistered groups are prohibited. The law also mandates that religious organizations, except the Armenian Apostolic Church, need prior permission to engage in religious activities in public places, to travel abroad, or to invite foreign guests to the country. Despite these mandated restrictions, in practice there was no restriction on travel by the religious personnel of any denomination, including those that were unregistered.

"Nontraditional" religious groups were viewed with suspicion. On occasion Yezidi children reported hazing by teachers and classmates. Some observers reported increasingly unfavorable attitudes towards Jehovah's Witnesses among the general population, both because they were seen as "unpatriotic" for refusing military service and because of a widespread but unsubstantiated belief that they pay money to the desperately poor in order to obtain conversions.

The press reported a number of complaints lodged by citizens against Jehovah's Witnesses for alleged illegal proselytizing. Jehovah's Witnesses were the targets of religious attacks and hostile sermons by some Armenian Apostolic Church clerics. However, in July a Jehovah's Witnesses official charged by the Procuracy General with "leading young people astray" was found innocent in a September 2001 verdict, and two appeals of the case by the Procuracy, including to Armenia's highest appeals court, were denied.

As a result of the Nagorno-Karabakh conflict with Azerbaijan, most of the country's Muslim population was forced to leave the country. Anti-Muslim feeling persisted among the populace, and the few remaining Muslims in the country kept a low profile. There was no formally operating mosque, although Yerevan's one surviving 18th century mosque, which was restored with Iranian funding, was in practice open for regular Friday prayers on a tenuous legal basis. Although it was not registered as a religious facility, the Government did not create any obstacles for Muslims who wished to pray there.

Many members of Jehovah's Witnesses remained in detention, charged with draft evasion or, if forcibly drafted, with desertion. Sixteen members of Jehovah's Witnesses remained in detention and ten were under house arrest. Five members have been arrested and were awaiting their trials at year's end. Members of Jehovah's Witnesses receiving draft notices continued to report directly to police and turned themselves in as draft evaders, rather than await induction to claim conscientious objector status. Military conscripts who were members of Jehovah's Witnesses were subject to even harsher treatment than other conscripts by military and civilian security officials, because their refusal to serve in the military was seen as a threat to national survival.

Alternative nonmilitary service was not available under current law to members of Jehovah's Witnesses. The Government promised the Council of Europe that it would pass an alternative military service law, and two differing drafts of such a law, one proposed by Parliament's Military Affairs Committee and the other by the Ministry of Defense, were presented to Parliament in September.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government placed restrictions on some of these rights.

The Government does not restrict internal movement, and citizens have the right to change their residence or workplace freely. However, citizens must negotiate with a sometimes corrupt and inefficient bureaucracy to register these changes. In addition, registration of a residence is difficult, because in order to be registered at a particular residence, a person must be either the property owner or an immediate family member of the owner. Special written permission from the owner of the property, signed by a lawyer, is required to make a temporary or permanent registration of a non-immediate family member.

The Constitution and laws require that passports be issued to all citizens except convicted felons; however, in cases of permanent residents who wish to relocate abroad permanently, an exit stamp may be denied to those persons who possess state secrets, to those subject to military service, to those who are involved in pending court cases, and to those whose relatives have lodged financial claims against them. An exit stamp is valid for up to five years and may be used as many times as an individual chooses to travel. Men of military age must overcome substantial bureaucratic obstacles to travel abroad.

As a result of the Nagorno-Karabakh conflict, particularly within the period from 1988 to 1994, ethnic minorities on both sides frequently have been subject to societal and governmental discrimination and intimidation, often accompanied by violence intended to drive them from the country. Almost all ethnic Azeris living in Armenia in 1988--approximately 185,000 persons--fled to Azerbaijan. Of the 400,000 ethnic Armenians then living in Azerbaijan, 330,000 fled and gained refugee status in Armenia and Nagorno-Karabakh. As of November 2001, Armenian officials stated that the number of ethnic-Armenians in the country during the year was 264,332. The Government, OSCE, and the United Nations High Commissioner on Refugees (UNHCR) did not provide numbers or any other information on refugees in Nagorno-Karabakh.

The National Assembly passed a law on citizenship in 1995 that provides the right for refugees of Armenian ethnicity to gain citizenship, provided that they are stateless and have resided in the country for the past three years. The UNHCR local office reported that 16,259 ethnic Armenian refugees had been naturalized between 1999 and the end of 2001. By August 6,408 more refugees had acquired Armenian citizenship. A total of 47,614 refugees in the country had been naturalized by year's end.

In 2001 the National Assembly amended the 1999 Refugee Law, which provides for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. During the year, the Refugee Law was again amended by the creation of temporary asylum, which gives a more determined status to approximately 12,000 ethnic Armenian refugees from Chechnya and Abkhazia. The Government cooperated with the UNHCR and other humanitarian organizations in assisting ethnic Armenian refugees. The Government provides for first asylum. Border officials had little training on asylum issues. Since 1999 there has been an established procedure for the formal recognition of asylum. In some cases, rejected asylum seekers, denied permission for legal residence, were subjected to fines for illegal residence when they attempted to depart the country. However, there were few cases of applications for asylum or refugee status, since most persons used the country as a transit country. Between 1999 and 2001, six persons from different countries were granted refugee status. By August seven more persons had applied for asylum; three persons from Iran and two from Iraq were granted refugee status.

During the year, two new laws were adopted to protect refugees' rights. In July 2001, the National Assembly approved the draft law on political asylum, which states that political asylum status will be granted only by the president. According to authorities, no one has asked Armenian authorities for political asylum since the law was approved. During the year the National Assembly adopted two new laws that protect the rights of refugees. The laws were the Law on Legal and Socio-Economic Guarantees for Persons Forcibly Displaced from the Republic of Azerbaijan in 1988-1992, and the Law on Refugees.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Serious flaws in the 1998 presidential election continued to restrict the constitutional ability of citizens to change their government peacefully. Substantial breaches of the election law resulted in a lack of public confidence in the integrity of the overall election process. However, 1999 parliamentary elections and by-elections in 2000, 2001, and 2002, although marred by some irregularities, represented a step towards more free and fair elections. Elections in urban areas like Yerevan generally reported fewer problems than those in rural areas.

In both rounds of the 1998 presidential elections, OSCE observers witnessed substantial irregularities. There were unusually high voter turnouts in certain areas, particularly in the second round, and these increases corresponded directly to high vote percentages for then-acting President Kocharian. Based on detailed analyses of the results tracked by observers in certain districts, it appeared that ballot box stuffing, discrepancies in vote counts, the presence of large numbers of unauthorized persons at polling stations, and other fraud practices perpetrated by local power structures inflated the number of votes for Kocharian by more than 100,000 votes in the second round. Kocharian won the second round by approximately 290,000 votes. Some military units were compelled to vote without exception for Kocharian, and officials used pressure to encourage a large turnout for the "official" candidate. There were no legal consequences for electoral fraud. The Government pursued only minor violations, and no penalties were announced. There was no criminal investigation of the amply documented ballot-box stuffing.

The 1999 parliamentary elections and several by-elections during 1999 and 2000 represented a step toward compliance with OSCE commitments, but still failed to meet international standards for free and fair elections. The OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) observers voiced most concern over the poor quality of the voter lists, which were often outdated or inaccurate; mistakes in registration and voting by military personnel; problems in the formation of the election commissions and the status of their members; and the presence of unauthorized personnel in precincts during voting and counting procedures. Fourteen criminal cases related to parliamentary election fraud were still under investigation by the Procurator General's office in 2001. At year's end, four cases had not been resolved, three had been closed because the perpetrators appeared to be juveniles, six cases had been closed because the perpetrators agreed to pay compensation for damages, and one case went to court and ended in an administrative fine. However, a new case was opened with regard to the October 20 municipal elections, which remained pending at year's end. Nonetheless observers from OSCE/ODIHR categorized the 1999 Parliamentary elections as a step towards compliance with OSCE commitments, and noted improvements in the electoral framework and the rights of freedom of association, freedom of assembly, and freedom of expression. In many precincts, election officials, candidates' proxies, and domestic observers worked together to provide transparent voting and counting procedures.

The May 1999 elections took place under a new electoral code that represented an improvement compared with previous legislation and incorporated some recommendations of international organizations. For example, the code provides for the accreditation of domestic nonpartisan observers, and provides for the courts to address electoral complaints during the campaign rather than after results are announced.

In a July 1999 by-election in Yerevan's Achapniak district, violence erupted when armed supporters of one of the candidates beat and opened fire on supporters of another candidate. The Central Elections Commission (CEC) suspended this vote and declared it invalid. A criminal investigation resulted in the arrest of 12 persons. According to the Procurator General's office, all 12 eventually went to prison for the Achapianak disturbances; of those, 8 were sentenced to two years each, while the remaining four got probationary terms of 16 to 20 months and were released on probation. Ten of these individuals were released under the June amnesty. The Achapniak by-election subsequently was held again--the two candidates involved in the altercation were removed from the ballot--and took place without incident.

Several Parliamentary by-elections were held during the year and in 2001. Most of the by-elections were carried out peacefully; however, after hearing extensive evidence about irregularities in Yerevan's Arabkir district, the Constitutional court ordered the cancellation of the results in the May 2000 by-election. The election was held again in July 2000, and a different candidate won. An appeal by the winner of the first election was considered but rejected in July 2000 by the CEC. Two by-elections for parliamentary seats held in May were peaceful according to observers; however, there continued to be problems with voter lists. The second-place finisher in a race in Lori province filed suit, alleging widespread confusion and fraud, and the court agreed and ordered the results voided and the race re-run. However, in the second round, only the winner of the first round registered, and he was declared the winner by default.

In October municipal elections and elections to local governing councils took place peacefully and without incident. Observers from the Council of Europe and OCSE characterized them as an improvement over previous elections.

However, some problems remained, including: Incorrect voter lists to a lesser extent than in previous years, confusion about proper procedures, particularly in some smaller towns--alleged pressure of voters by supporters of candidates.

In October 2001, the first national census since the Soviet era was held. While there were political concerns about the integrity of the process, whose results were used to create new electoral districts, foreign observers testified that the methodology used was acceptable and that the final result, which showed a population slightly over three million, was accurate in their view.

The National Assembly (Parliament) consists of 131 deputies; under amendments to the Electoral Code passed this year, 75 are elected on a proportional basis and 56 on a district-by-district majoritarian basis, a reversal basis of the proportions in the old law. Regular sessions of Parliament are held twice a year: The first from mid-September to mid-December, and the second from early February until mid-June. Given the large amount of legislative business, special sessions frequently are called, but may not last more than 6 days. The nominal majority in Parliament is made up of a coalition called Unity, which includes the two parties that gained the most votes in the May 1999 Parliamentary elections: the Republican Party and the Peoples' Party. The coalition still formally existed but had become largely inoperative after 2000 due to disagreements between the two parties, with the People's Party usually opposing the Government. The Government has maintained a majority for most of its proposals by adding to the votes of the Republicans those of a number of smaller parties such as the ARF/Dashnaks, Orinats Yerkir, and a large number of independents, including those in a bloc called the Agro-Technical Peoples' Union. In 2000 this bloc split and the minority faction renamed itself "Peoples Deputies;" however, both factions continued to support the Government. Some deputies from the Unity coalition left the coalition during 2000 over policy differences, and during 2001 formed the new Republic Party, which opposed the Government on most issues, and which has reduced, but not eliminated, Unity's majority. During the year, the Speaker of Parliament and one deputy speaker formally left the People's Party and became independents.

Amendments to the Electoral Code, passed in July--in addition to reversing the percentages of proportional (party list) versus majoritarian (single mandate) seats--include the following changes: abolishing the Regional Election Commissions, which had been largely dormant; mandating that local authorities must update electoral rolls every six months in addition to just before elections; ordering that parties which are not represented in Parliament will not be represented on the CEC; allowing draftees and trainees in the armed forces (but not officers) to vote in nationwide elections (i.e., in presidential and in party-list legislative elections, but not single-mandate legislative or local elections); and providing that members of the CEC appointed by the President or political parties cannot be removed from office until 30 days after the next election except for just cause. However, a number of amendments which would have enhanced election transparency failed. It was also announced that municipal elections would be held on October 20, that the next presidential election would take place on February 19, 2003, and that the next legislative general election would take place in May 2003, possibly at the same time as the referendum on a proposed package of constitutional amendments.

The executive branch appoints the 10 regional governors (marzpets) and the mayor of Yerevan. The Constitution gives local communities the right to elect local authorities. Local elected officials have limited powers, but were allowed to levy taxes. They were somewhat overshadowed in practice by the appointed governors, who can remove them from office but seldom did so. Some local officials were corrupt and subjected to pressure from superiors.

There were no female cabinet ministers, although there were several female deputy ministers. Only 4 of the 131 deputies in the Parliament were female. The population of the country is at least 95 percent ethnic Armenian, and there were no ethnic minority representatives in the Cabinet or in the Parliament, although they are not prohibited from running and have run for office.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. Public access to information on human rights cases was adequate, and there was extensive media coverage of significant court cases; however, civilian and military prosecutors have been less open since the October 1999 shootings.

Nongovernmental human rights organizations often reported funding difficulties. During the year, several local NGOs received Government permission to visit detention facilities (see Section 1.c.).

As part of the commitments it made in advance of joining the Council of Europe (COE), the Government permitted monitoring of its human rights practices by the COE and reaffirmed this right for the ICRC, which retained full access to civilian detention facilities. An office created by the Procurator General in July 2001 to communicate with international observers was responsive to requests for information. Information about criminal cases stemming from election fraud remained incomplete.

Existing electoral law allows local and international observer organizations to monitor all elections, and such organizations reported no impediments to their observation of the 1999 elections and the 2000, 2001, and 2002 by-elections (see Section 3).

In 1998 President Kocharian appointed a prominent opposition politician, Paruyr Hairikyan, to head a new human rights commission within the President's office. The commission exists essentially as a reference bureau and has no formal legal powers; however, it has had a modest impact in persuading authorities to review official actions on problems ranging from apartment allocations to police behavior, in some cases winning official reconsideration. The commission refers such cases to the appropriate agency, but it does not follow up on specific issues. During the year, the commission was successful in implementing prison reforms, with the help and support from several of its members. The commission also visited military units and prisons and held open hearings on abuses in the army. The commission also visited those accused in the October 1999 killings, visited the Gyumri jail to check its condition, and frequently checked on military units to hear human rights complaints by soldiers. Hairikyan resigned his post as head of the Commission mid-year and announced his candidacy for president in the 2003 elections. The Parliamentary Commission on National Security, Defense and Interior, headed by Vahan Hovhanissian, made regular visits to military units to hear complaints by soldiers as well.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, gender, disability, language, or social status; however, cultural and economic factors prevented women, ethnic minorities, and persons with disabilities from participating fully in public life.

Women

There is no specific law banning violence against women and a few cases of spousal abuse, or other violence against women were reported during the year; however, such violence is believed to be more widespread than statistics indicate. According to an opinion poll conducted in 2000 by a local NGO, 50 percent of Armenian women have been victims of domestic violence, although other local NGOs claimed that the percentage is lower. The problem of battered wives is much more widespread than the Government or local human rights groups would admit. Many cases were not reported to police because victims were afraid of physical harm if they did so, fearful that police would refuse to take action and instead return them to their husbands, or embarrassed to make "family matters" public. Embarrassment and concerns for family honor made the problem particularly sensitive and difficult to quantify; women's groups and health professionals also declined to offer specific figures. The Procurator General's office stated that 17 women were killed in 2001; however, the office did not specify how the crimes were committed. Fifty-five women were victims of rape or killings. Several NGOs exist in the Yerevan and Gyumri areas, and in Martuni, and provide shelter and assistance to battered women.

By the end of October, the authorities registered 28 cases of rape. However, observers believe the actual number of rapes to be higher. The law cites specific punishments for rape. By June 2001, 12 persons had been convicted for rape. Twenty-seven women were killed, and three were arrested and charged with homicide.

Prostitution is not illegal, and according to anecdotal evidence, most prostitutes stopped by police simply are sent to a hospital or physician for a medical check-up. Although the Criminal Code does not forbid prostitution itself, operating brothels is prohibited. According to an investigation conducted by journalists more than 1,500 prostitutes were registered by the police, most of them in the Yerevan area. A study of Yerevan prostitution conducted by local journalists in 2000 showed that while some operated by telephone, the vast majority of prostitutes were what is known as streetwalkers, with their "class" and desirability defined by the area of the city in which they operated.

Trafficking in women abroad was a problem (see Section 6.f.).

The law does not specifically prohibit sexual harassment; however, some articles in the criminal code address different aspects of sexual harassment. Cases of sexual harassment are not considered to be worthy of legal action by society.

Men often played a dominant role in many societal institutions, although among younger persons it was more common for women to take an active role. Although women have been present in the work force for several generations, tolerance for broadening their roles or behavior was low, particularly among older people and in the rural regions. In the workplace, women received equal pay for equal work, but generally were not afforded the same professional opportunities given to men, and often were relegated to more menial or low-skill jobs. The law prohibits discrimination in employment and hiring because of pregnancy; however, the extremely high unemployment rate made it difficult to gauge how effectively the law was implemented. According to official statistics, women made up 66.4 percent of those officially registered as unemployed (approximately 90,000) and comprised two-thirds of the total number of unemployed. In the past, labor unions protected women's rights in the workplace, at least nominally, but the weakness of unions has made them less effective (see Section 6.a.). More women than men were enrolled in university and postgraduate programs. This may in part be accounted for by the Nagorno-Karabakh situation, which necessitated a high number of men being in military service, and in part by the economic situation, which had caused men to emigrate in search of employment.

Children

The Government did not have the economic means to provide fully for the welfare of children. Education is free, universal, and compulsory through age 14, then optional through age 16 (complete secondary education). Girls and boys received equal educational opportunities. However, many facilities were impoverished and in poor condition, and teachers were forced to tutor pupils privately to supplement salaries that were low and paid irregularly. Some teachers were known to demand bribes from parents in return for good or passing grades for their children. Free children's health care was available for all children through the age of eight for treatment of some diseases and for emergency care, but often was of poor quality, and the practice of demanding overt or concealed payment of fees for medical service continued. In the Yezidi community, a high percentage of children did not attend school, partly for family economic reasons and partly because schools lack Yezidi teachers and books in their native language.

The Government focused its efforts regarding children's rights and welfare on measures to insulate large families--those with four or more children--from the effects of the country's poor economic conditions. The Government directed foreign humanitarian aid programs toward the most socially vulnerable families and single-parent families.

Despite social programs, the number of street children increased. A local NGO reported that there were approximately 900 homeless children during the year and that the number was growing every year; however, government officials estimated the number of children to be between 600 and 700 (including 300 homeless children in Yerevan). Child abuse of street children did not appear to be a serious problem. Trafficking in girls continued to be a problem (see Section 6.f.).

Persons with Disabilities

The Constitution provides for the right to social security in the event of disability, and the law provides for the social, political, and individual rights of persons with disabilities; however, the Government's enforcement of the rights of persons with disabilities remained rudimentary. Legal safeguards for those with psychiatric problems are inadequate to protect patients' rights. Hospitals, residential care, and other facilities for serious disabilities were substandard. There was societal discrimination against persons with disabilities.

Expenditures for the health sector in 2001 increased by 27 percent (according to official statistics) during the year, and budget allocations were \$33.8 million (approximately 18 billion drams). However, despite these increases, in 2001 there were no improvements in the provision of benefits and services to persons with disabilities. During the year, expenditures decreased by 17 percent to \$28 million (16.1 billion drams). According to official statistics, the social sector budget, which among other social payments and expenditures covered the needs for persons with disabilities, was budgeted at \$47 million (27 billion drams) in 2001 but this year it decreased by four percent. According to the Ministry of Social Welfare, in 2001 approximately \$7.4 million (400 million drams) was directed towards support for persons with disabilities, which included pensions, prostheses, and wheelchairs. The amount represented approximately 32 percent of the Ministry's budget, and remained at approximately the same level this year.

The law as well as a specially mandated government decree have special provisions that require accessibility in buildings for persons with disabilities; however, in practice very few buildings and other facilities were accessible to persons with disabilities.

National/Racial/Ethnic Minorities

The population was approximately 95 percent ethnic Armenian. The Government did not discriminate against the small, officially recognized "national" communities, although the economic and social situation of such groups has deteriorated substantially since independence in 1991. The Government included in the category of "national" communities were Russians, Ukrainians, Belarusians, Jews, Kurds, Yezidis, Assyrians, Georgians, Greeks, and Germans. As a result of the Nagorno-Karabakh conflict, there was no significant Azeri minority (see Section 2.d.). Several hundred Azeris or persons of mixed Azeri heritage still living in the country maintained a low profile in the face of societal discrimination.

The Constitution grants national minorities the right to preserve their cultural traditions and language, and the law provides linguistic minorities with the right to publish and study in their native language. There were token publications in minority languages, but the Government devoted minimal resources to maintaining minority language schools. The large network of Russian-language schools has diminished significantly. In practice virtually all students, including members of the Yezidi and Greek communities, attended Armenian-language schools, with very limited classes available in their native tongues.

Yezidi leaders continued to complain that police and local authorities subjected their community to discrimination. The Yezidis, whose number had been estimated at 20,000 by Yezidi leaders (down from 60,000 Yezidis registered in the 1988 population census, due to emigration) speak a Kurdish dialect and practice a traditional, non-Christian, non-Muslim religion with elements derived from Zoroastrianism, Islam, and animism. Yezidi leaders cited numerous incidents of unfair adjudication of land, water, and grazing disputes, nonreceipt of privatized agricultural land, an unusually high number of beatings of Yezidi conscripts in the army, and lack of police response to serious crimes committed against Yezidis by other citizens (see Section 1.c.). The Yezidi complaints likely reflected societal discrimination as well as the more general problem of poorly functioning local and central Government bodies, particularly regarding national minorities. Members of the Yezidi Community also tried to address their grievances with the State Commission on National Minorities, but subsequently claimed that all their attempts have been ignored.

Section 6. Worker Rights

a. The Right of Association

The Constitution provides employees with the right to form and join trade unions although it stipulates that the right to form associations, including political parties and trade unions, may be limited for those persons serving in the armed services and law enforcement agencies. In practice, labor organization remained weak because of high unemployment and the weak economy. The absence of active unions and of accurate employment data precluded a reliable estimate of the percentage of the workforce that is unionized.

Unions are free to affiliate with international organizations; however, none had done so at year's end.

b. The Right to Organize and Bargain Collectively

Although the Law provides for the right to organize and bargain collectively, collective bargaining was not practiced. Voluntary and direct negotiations did not take place between unions and employers without the participation of the Government, because many large employers remained under state control.

The Government encouraged profitable enterprises to establish their own pay scales. Factory directorates generally set the pay scales without consultation with employees. Labor disputes were arbitrated in regular or economic courts.

The Constitution provides for the right to strike; however, workers had neither the financial resources to maintain a strike nor enforceable legal protection against retaliation, and existing unions played a relatively passive role.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution and the law prohibit forced and bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

According to the law, 16 years is the minimum age for employment. Children may work from the age of 14 with the permission of a medical commission and the relevant labor union board. The law was enforced by local community councils, unemployment offices, and, as a final board of appeal, the courts. Children under the age of 18 are not allowed to work in difficult or dangerous jobs, night labor, or jobs that require over six hours of work per day, although children 16 years of age or older may apply for waivers in the latter two cases.

According to the Ministry of Social Welfare, some children up to the age of 12 years were involved in family businesses, as well as some other business activities such as agriculture where such activity is not forbidden by law. Children are forbidden specifically from engaging in arduous, or dangerous employment, even if it is their family's business, without permission by the Ministry of Social Welfare. The Ministry granted such permission only on a case-by-case basis and only for children 12 years of age or older.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work

The Government sets the minimum wage by decree. The monthly minimum wage was \$9 (5,000 drams) and was insufficient to provide a decent standard of living for a worker and family. The majority of the population (approximately 54.7 percent) lived below the poverty line of \$2 (480 drams) or less income per day, and approximately 23 percent of the population were considered extremely poor (at less than \$1 a day, or 590 drams a day) as a result of economic dislocations caused by the breakup of the Soviet Union, the 1988 Spitak earthquake, the conflict in Nagorno-Karabakh, and disruptions in trade resulting from a blockade by Azerbaijan and Turkey. A significant amount of economic activity, as much as 40 percent, took place without being recorded or taxed by the local authorities. The extent to which this affected the overall economic situation was unknown; however, a substantial number of poor persons and a small wealthy elite existed in the country.

The majority of industrial enterprises either were idle or operated at a fraction of their capacity. Some furloughed workers continued to receive minimal partial compensation from their enterprises, but most no longer received any payment if they were not working. Under the law, if an employee loses his or her job, two month's salary must be paid as compensation.

The standard legal workweek was 40 hours; however, many persons worked multiple jobs in order to provide for basic necessities. The law provides for annual and sick leave; however, there were no mandated rest periods. Compensation for overtime work was required; the amount depended on the position and type of employment.

The Constitution provides citizens with the right to clean and safe workplaces. Soviet-era occupational and safety standards remained in force; however, in practice conditions were inconsistent. Labor legislation places responsibility on the employer and the management of each firm to ensure "healthy and normal" labor conditions for employees, but it provides no definition of these conditions. Workers were reluctant to complain or remove themselves from hazardous working conditions as they risked losing their jobs.

f. Trafficking in Persons

The law does not prohibit trafficking in persons specifically, although it does prohibit exploitation by force of persons for financial gain; trafficking in women and girls abroad for prostitution was an increasingly significant problem. There were reports that corruption by Government officials facilitated trafficking.

There is no specific law prohibiting trafficking in persons, although traffickers may be prosecuted under different articles of the Criminal Code: For example, illicit seizure of non-property documents (passports or other personal documents), as well as illicit use of these documents, may be punished by imprisonment up to a year; falsification and selling of documents, by imprisonment up to five years; pandering, by imprisonment up to five years; bogus marriage and bogus divorce with mercenary ends or other reasons, by imprisonment up to a year; extortion (coercion of a person, or coercion by publishing compromising information about a person), by imprisonment from two to four years; and coercing of a woman to perform sexual intercourse by a person on whom this woman is financially (or economically) dependent by imprisonment up to seven years. By year's end, legislation pending before Parliament would ratify the U.N. Protocols on International Crime and Trafficking in Persons and would provide for prosecution of those engaging in such practices for profit. The criminal code specifically prohibits keeping brothels, although prostitution itself is legal. By October there had been 22 indictments for procuring. By year's end, 19 of these were under investigation; 3 were closed for lack of evidence; and 1 was being jointly investigated with German law enforcement bodies.

Police officials announced the investigation of numerous cases of procuring prostitutes but stated that they were unable to arrest the main offenders because they resided in the Middle East rather than in the country. An extradition treaty with the United Arab Emirates was signed this year. There have been few cases in which traffickers were prosecuted. Some officials from the Ministry of Interior complained that courts easily acquitted procurers or sentence them to only minor administrative punishment and fines. In addition, victims usually were the main witnesses and were often reluctant to come forward out of fear of violent retaliation. Reliable information on trafficking has been difficult to obtain.

Armenia was a country of origin for trafficking, which represented more of a problem than the Government and women's organizations have until recently been willing to acknowledge openly. Although specific information on trafficking was difficult to obtain, an International Organization for Migrations (IOM) report estimated that every year approximately 700 women and girls are trafficked, primarily to act as prostitutes, to the United Arab Emirates and other Gulf States, as well as to Turkey, Russia, Germany, Greece, and other European countries. Women primarily were trafficked from the Yerevan, Gyumri, and Vanadzor areas of the country. An IOM report released during the year stated that of 59 women and girls returned to the country, 43 were trafficked.

Young women and girls from socially vulnerable groups all over Armenia and Nagorno-Karabakh were the primary targets of traffickers. Trafficked persons often were lured by jobs abroad offered through recruiters and informal channels, tourism firms and some media. Reportedly, there were cases in which older girls from orphanages and poor families were sold to wealthy men in Dubai. An orphanage run by a religious group reported that older girls have been approached by relatives urging them to "earn their share" for the family by engaging in prostitution. However, most parents and relatives were convinced that they were sending such children to work in the UAE or elsewhere as models, dancers, waitresses, or domestic servants. Traffickers themselves were often ex-prostitutes or pimps who have already established "good working contacts" in the country of destination. They were well organized, have connections with local authorities and were supported and protected by criminal gangs. Most potential victims were approached by persons whom they personally know (friends of friends, relatives of relatives, neighbors, etc.), or by travel agencies. Most often, recruiters told victims that they would be working as babysitters, waitresses, or cleaning ladies. Only a few of the victims knew before departure that they would work as prostitutes, but even these did not realize that they would have their documents and money confiscated and that they would be pressured to receive numerous clients every day to maximize their employer's profits. To tighten control over their "staff" procurers threatened to burn victims' passports or to inform police about their "business."

Some NGOs and experts insisted that local police officers, border guards and customs officers were involved in trafficking by accepting bribes from traffickers in exchange for tolerating their business.

According to international NGOs, the Government appeared to be focusing more on prostitution within the country than on trafficking of victims abroad. However, the Government has begun to acknowledge and take action on the problem.

There were no trafficking prevention programs run by the Government. The Government indicated to IOM that Armenia would join the U.N. Convention on Transnational and Organized Crime and two U.N. Protocols to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children by the end of the year. In November 2001, the Government acceded to the convention and two protocols. Upon ratification the protocols automatically would supersede all previous trafficking-related laws. Armenian law enforcement authorities and the Procuracy General cooperated with foreign countries in particular cases when assistance and information exchange were necessary, including trafficking cases.

There were also some women's NGOs that raised public awareness of this problem and obtain funding for assistance programs. However, as of midyear there were no NGO-sponsored assistance programs to provide counseling and assistance for victims. The Government's Office of Refugees and Migration operated a hotline and produced a journal giving information on traveling abroad, and a gender-working group chaired by the Minister of Social Welfare participated in discussing methods of prevention. There were also public service announcements aired on national television. In September the Government formed an interagency working group, which, in October, became the formal Interagency Commission on Human Trafficking, and has cooperated with several international groups, particularly OSCE, IOM, UNICEF, UNDP, as well as local NGOs. These efforts focused on three areas: increasing public awareness of the problem and warning young women and girls of the strategies used to lure them into prostitution; increasing awareness of the problem among law enforcement agencies as well as the prosecution of traffickers; and working with social agencies to provide care and treatment for victims of trafficking.